

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Capriglione

H.B. No. 1888

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to punishment for the offense of driving a commercial  
3 motor vehicle without a commercial driver's license; increasing a  
4 penalty.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 522.011(c), Transportation Code, is  
7 amended to read as follows:

8 (c) An offense under this section is a [~~Class C~~] misdemeanor  
9 punishable by a fine not to exceed \$1,000, except that the offense  
10 is a Class B misdemeanor if it is shown on the trial of the offense  
11 that the defendant was convicted of an offense under this section in  
12 the year preceding the date of the offense that is the subject of  
13 the trial.

14 SECTION 2. The change in law made by this Act applies only  
15 to an offense committed on or after the effective date of this Act.  
16 An offense committed before the effective date of this Act is  
17 governed by the law in effect on the date the offense was committed,  
18 and the former law is continued in effect for that purpose. For  
19 purposes of this section, an offense was committed before the  
20 effective date of this Act if any element of the offense occurred  
21 before that date.

22 SECTION 3. This Act takes effect September 1, 2015.

**ADOPTED**

MAY 25 2015

*Leta Spaw*  
Secretary of the Senate

By: Capriglione/Taylor

H.B. No. 1888

Substitute the following for H.B. No. 1888:

By: Van Taylor

C.S. H.B. No. 1888

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to punishment for the offense of driving a commercial  
3 motor vehicle without a commercial driver's license; increasing a  
4 penalty.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 522.011(c), Transportation Code, is  
7 amended to read as follows:

8 (c) An offense under this section is a [~~Class C~~] misdemeanor  
9 punishable by a fine not to exceed \$500, except that the offense is  
10 a misdemeanor punishable by a fine not to exceed \$1,000 if it is  
11 shown on the trial of the offense that the defendant was convicted  
12 of an offense under this section in the year preceding the date of  
13 the offense that is the subject of the trial.

14 SECTION 2. The change in law made by this Act applies only  
15 to an offense committed on or after the effective date of this Act.  
16 An offense committed before the effective date of this Act is  
17 governed by the law in effect on the date the offense was committed,  
18 and the former law is continued in effect for that purpose. For  
19 purposes of this section, an offense was committed before the  
20 effective date of this Act if any element of the offense occurred  
21 before that date.

22 SECTION 3. This Act takes effect September 1, 2015.

ADOPTED

FLOOR AMENDMENT NO. 1

MAY 25 2015 BY: Robert Lee Nichols

Lotay Spaw  
Secretary of the Senate

1 Amend C.S.H.B. No. 1888 (senate committee printing) as  
2 follows:

3 (1) In the recital to SECTION 1 of the bill (page 1, lines  
4 26 and 27), strike "Section 522.011(c), Transportation Code, is  
5 amended" and substitute "Section 522.011, Transportation Code,  
6 is amended by amending Subsections (a) and (c) and adding  
7 Subsections (e) and (f)".

8 (2) In SECTION 1 of the bill, amending Section 522.011,  
9 Transportation Code (page 1, between lines 27 and 28), insert  
10 the following:

11 (a) A person may not drive a commercial motor vehicle  
12 unless:

13 (1) the person:  
14 (A) has in the person's immediate possession a  
15 commercial driver's license issued by the department appropriate  
16 for the class of vehicle being driven; and

17 (B) is not disqualified or subject to an out-of-  
18 service order;

19 (2) the person:  
20 (A) has in the person's immediate possession a  
21 commercial [~~driver~~] learner's permit and driver's license issued  
22 by the department; and

23 (B) is accompanied by the holder of a commercial  
24 driver's license issued by the department with any necessary  
25 endorsements appropriate for the class of vehicle being driven,  
26 and the license holder:

27 (i) for the purpose of giving instruction  
28 in driving the vehicle, at all times occupies a seat beside the  
29 permit holder or, in the case of a passenger vehicle, directly

1 behind the driver in a location that allows for direct  
2 observation and supervision of the permit holder [~~for the~~  
3 ~~purpose of giving instruction in driving the vehicle~~]; and

4 (ii) is not disqualified or subject to an  
5 out-of-service order; or

6 (3) the person is authorized to drive the vehicle  
7 under Section 522.015.

8 (3) In SECTION 1 of the bill, amending Section 522.011,  
9 Transportation Code (page 1, between lines 33 and 34), insert  
10 the following:

11 (e) It is a defense to prosecution for a violation of  
12 Subsection (a)(2)(A) if the person charged produces in court a  
13 commercial learner's permit or driver's license, as appropriate,  
14 that:

15 (1) was issued to the person; and

16 (2) was valid when the offense was committed.

17 (f) The court may assess a defendant an administrative fee  
18 not to exceed \$10 if a charge under this section is dismissed  
19 because of the defense listed under Subsection (e).

20 (4) Strike SECTIONS 2 and 3 of the bill (page 1, lines 34-  
21 42).

22 (5) Add the following appropriately numbered SECTIONS to  
23 the bill:

24 SECTION \_\_\_\_\_. Section 502.047(a), Transportation Code, is  
25 amended to read as follows:

26 (a) Except as provided by Chapter 548, the [The]  
27 department and the Department of Public Safety shall ensure  
28 compliance with the motor vehicle inspection requirements under  
29 Chapter 548, including compliance with the motor vehicle  
30 emissions inspection and maintenance program under Subchapter F  
31 of that chapter, through a vehicle registration-based

1 enforcement system.

2 SECTION \_\_\_\_\_. Section 522.003, Transportation Code, is  
3 amended by amending Subdivisions (4), (12), (22), and (23), and  
4 adding Subdivisions (22-a) and (23-a) to read as follows:

5 (4) "Commercial [~~driver~~] learner's permit" means a  
6 permit [~~commercial driver's license~~] that restricts the holder  
7 to driving a commercial motor vehicle as provided by Section  
8 522.011(a)(2)(B).

9 (12) "Driver's license" has the meaning assigned by  
10 Section 521.001, except the term does not include a commercial  
11 learner's permit unless otherwise provided by this chapter.

12 (22) "Non-domiciled [~~Nonresident~~] commercial driver's  
13 license" means a commercial driver's license issued by a state  
14 to an individual who is domiciled [~~resides~~] in a foreign  
15 jurisdiction.

16 (22-a) "Non-domiciled commercial learner's permit"  
17 means a commercial learner's permit issued by a state to an  
18 individual who is domiciled in a foreign jurisdiction.

19 (23) "Out-of-service order" means:

20 (A) a temporary prohibition against driving a  
21 commercial motor vehicle issued under Section 522.101, the law  
22 of another state, [~~or~~] 49 C.F.R. Section 383.5, 386.72, 392.5,  
23 392.9a, 395.13, or 396.9, a law compatible with those federal  
24 regulations, or the North American Standard Out-of-Service  
25 Criteria; or

26 (B) a declaration by the Federal Motor Carrier  
27 Safety Administration or an authorized enforcement officer of a  
28 state or local jurisdiction that a driver, commercial motor  
29 vehicle, or motor carrier operation is out of service under 49  
30 C.F.R. Section 383.5, 386.72, 392.5, 392.9a, 395.13, or 396.9, a  
31 law compatible with those federal regulations, or the North

1 American Standard Out-of-Service Criteria.

2 (23-a) "Person" includes the United States, a state,  
3 or a political subdivision of a state.

4 SECTION \_\_\_\_\_. Section 522.013, Transportation Code, is  
5 amended to read as follows:

6 Sec. 522.013. NON-DOMICILED [~~NONRESIDENT~~] LICENSE OR  
7 PERMIT. (a) The department may issue a non-domiciled  
8 [~~nonresident~~] commercial driver's license or commercial  
9 learner's permit to a person domiciled in [~~resident of~~] a  
10 foreign jurisdiction if the secretary has determined that the  
11 commercial motor vehicle testing and licensing standards in the  
12 foreign jurisdiction do not meet the testing standards  
13 established by 49 C.F.R. Part 383.

14 (b) An applicant for a non-domiciled commercial driver's  
15 license must surrender any non-domiciled [~~nonresident~~]  
16 commercial driver's license issued by another state.

17 (c) Before issuing a non-domiciled [~~nonresident~~]  
18 commercial driver's license, the department must establish the  
19 practical capability of disqualifying the person under the  
20 conditions applicable to a commercial driver's license issued to  
21 a resident of this state. Before issuing a non-domiciled  
22 commercial learner's permit, the department must establish the  
23 practical capability of disqualifying the person under the  
24 conditions applicable to a commercial learner's permit issued to  
25 a resident of this state.

26 (d) "Non-domiciled" [~~"Nonresident"~~] must appear on the  
27 face of a license or permit issued under this section.

28 (e) The department may issue a temporary non-domiciled  
29 [~~nonresident~~] commercial driver's license to a person who does  
30 not present a social security card as required by Section  
31 522.021(a-1)(1) but who otherwise meets the requirements for a

1 non-domiciled [~~nonresident~~] commercial driver's license,  
2 including the requirement that the commercial motor vehicle  
3 testing and licensing standards of the country of which the  
4 applicant is domiciled [~~a resident~~] not meet the testing and  
5 licensing standards established by 49 C.F.R. Part 383. A  
6 license issued under this subsection:

7 (1) expires on the earlier of:

8 (A) the 60th day after the date the license is  
9 issued; or

10 (B) [~~the expiration date of the visa presented~~  
11 ~~under Section 522.021(a-1)(2)(B)~~]; or

12 [~~(C)~~] the expiration date of any [~~the~~] Form I-94  
13 Arrival/Departure record, or a successor document, presented  
14 under Section 522.021(a-1) [~~522.021(a-1)(2)(C)~~]; and

15 (2) may not be renewed.

16 (f) The department may not issue more than one temporary  
17 non-domiciled [~~nonresident~~] commercial driver's license to a  
18 person.

19 SECTION \_\_\_\_\_. Section 522.014, Transportation Code, is  
20 amended to read as follows:

21 Sec. 522.014. PERMIT. (a) The department may issue a  
22 commercial [~~driver~~] learner's permit to an individual who:

23 (1) has been issued a driver's license by the  
24 department; and

25 (2) has passed the vision and written tests required  
26 for [a Texas driver's license appropriate for] the class of  
27 vehicle to be driven.

28 (b) A commercial learner's permit must be a separate  
29 document from a driver's license or a commercial driver's  
30 license.

31 (c) The issuance of a commercial learner's permit is

1 required for:

2 (1) the initial issuance of a commercial driver's  
3 license; or

4 (2) the upgrade in classification of a commercial  
5 driver's license that requires a skills test.

6 (d) A commercial learner's permit holder may not take a  
7 commercial driver's license skills test before the 15th day  
8 after the date of the issuance of the permit.

9 SECTION \_\_\_\_\_. Section 522.015, Transportation Code, is  
10 amended to read as follows:

11 Sec. 522.015. LICENSE OR PERMIT ISSUED BY OTHER  
12 JURISDICTION. A person may drive a commercial motor vehicle in  
13 this state if:

14 (1) the person has a commercial driver's license or a  
15 commercial [~~driver~~] learner's permit issued by:

16 (A) another state in accordance with the minimum  
17 federal standards for the issuance of a commercial motor vehicle  
18 driver's license; or

19 (B) a foreign jurisdiction the testing and  
20 licensing standards of which the United States Department of  
21 Transportation has determined meet the requirements of the  
22 federal act;

23 (2) the person's license or permit is appropriate for  
24 the class of vehicle being driven;

25 (3) the person is not disqualified from driving a  
26 commercial motor vehicle and is not subject to an out-of-service  
27 order; [~~and~~]

28 (4) the person has not had a domicile in this state  
29 for more than 30 days; and

30 (5) if the person has a permit, the person also has a  
31 driver's license issued by the same jurisdiction that issued the

1 permit.

2 SECTION \_\_\_\_\_. Sections 522.021(a), (a-1), and (d),  
3 Transportation Code, are amended to read as follows:

4 (a) An application for a commercial driver's license or  
5 commercial [~~driver~~] learner's permit must include:

6 (1) the full name and current residence and mailing  
7 address of the applicant;

8 (2) a physical description of the applicant,  
9 including sex, height, and eye color;

10 (3) the applicant's date of birth;

11 (4) the applicant's social security number, unless  
12 the application is for a non-domiciled [~~nonresident~~] commercial  
13 driver's license and the applicant is domiciled in [~~a resident~~  
14 ~~of~~] a foreign jurisdiction;

15 (5) certifications, including those required by 49  
16 C.F.R. Section 383.71(a); and

17 (6) any other information required by the department.

18 (a-1) If the application is for a non-domiciled  
19 [~~nonresident~~] commercial driver's license and the applicant is  
20 domiciled in [~~a resident of~~] a foreign jurisdiction that does  
21 not meet the testing and licensing standards established by 49  
22 C.F.R. Part 383, the applicant must present:

23 (1) a social security card issued to the applicant;  
24 [~~and~~]

25 (2) an unexpired foreign passport issued to the  
26 applicant;

27 (3) either:

28 (A) a Form I-94 Arrival/Departure record or a  
29 successor document; or

30 (B) an unexpired employment authorization  
31 document; and



1 federal act, federal regulation, or state law.

2 SECTION \_\_\_\_\_. Section 522.023, Transportation Code, is  
3 amended by adding Subsection (j) to read as follows:

4 (j) The department may administer a skills test to a  
5 person who holds a commercial learner's permit issued by another  
6 state or jurisdiction.

7 SECTION \_\_\_\_\_. Section 522.025, Transportation Code, is  
8 amended to read as follows:

9 Sec. 522.025. LIMITATIONS ON ISSUANCE OF LICENSE OR  
10 PERMIT. (a) The department may not issue a commercial driver's  
11 license or commercial [~~driver~~] learner's permit to a person who  
12 is disqualified from driving a commercial motor vehicle or while  
13 the person's driver's license or driving privilege is suspended,  
14 revoked, or canceled in any state.

15 (b) The department may not issue a commercial driver's  
16 license to a person who has a driver's license, commercial  
17 driver's license, or commercial [~~driver~~] learner's permit issued  
18 by another state unless the person surrenders the license or  
19 permit. The department shall notify [~~return a surrendered~~  
20 ~~license or permit to~~] the issuing state of the surrendered  
21 license or permit [~~for cancellation~~].

22 SECTION \_\_\_\_\_. Section 522.027, Transportation Code, is  
23 amended to read as follows:

24 Sec. 522.027. MINIMUM AGE. The department may not issue a  
25 commercial driver's license or a commercial [~~driver~~] learner's  
26 permit to a person who is younger than 18 years of age.

27 SECTION \_\_\_\_\_. Section 522.028, Transportation Code, is  
28 amended to read as follows:

29 Sec. 522.028. CHECK OF DRIVING RECORD. Before issuing a  
30 commercial driver's license or commercial learner's permit, the  
31 department shall check the applicant's driving record as

1 required by 49 C.F.R. Section 383.73.

2 SECTION \_\_\_\_\_. Section 522.029, Transportation Code, is  
3 amended by amending Subsections (a), (b), (c), (h), (j), and (k)  
4 and adding Subsections (h-1) and (l) to read as follows:

5 (a) The fee for a commercial driver's license [~~or~~  
6 ~~commercial driver learner's permit~~] issued by the department is  
7 \$60, except as provided by Subsections (f), (h), (j), and (k).

8 (b) The fee for a commercial driver's license [~~or~~  
9 ~~commercial driver learner's permit~~] shall be reduced by \$4 for  
10 each remaining year of validity of a driver's license, other  
11 than a commercial driver's license [~~or commercial driver~~  
12 ~~learner's permit~~] issued by the department to the applicant.

13 (c) The fee for a duplicate commercial driver's license or  
14 commercial [~~driver~~] learner's permit is \$10.

15 (h) The fee for a commercial driver's license [~~or~~  
16 ~~commercial driver learner's permit~~] issued under Section 522.033  
17 is \$20.

18 (h-1) The fee for the issuance or renewal of a commercial  
19 learner's permit is \$24.

20 (j) The fee for issuance or renewal of a commercial  
21 driver's license [~~or commercial driver learner's permit~~] is \$25  
22 for a license with an expiration date established under Section  
23 522.054.

24 (k) The fee for a non-domiciled [~~nonresident~~] commercial  
25 driver's license or a non-domiciled commercial learner's permit  
26 is \$120. The fee for a temporary non-domiciled [~~nonresident~~]  
27 commercial driver's license is \$20.

28 (l) The fee for the administration of a skills test to a  
29 person who is not domiciled in this state is \$60.

30 SECTION \_\_\_\_\_. Section 522.029(f), Transportation Code, as  
31 added by Chapter 1372 (H.B. 1200), Acts of the 75th Legislature,

1 Regular Session, 1997, is amended to read as follows:

2 (f) If a commercial driver's license [~~or commercial driver~~  
3 ~~learner's permit~~] includes an authorization to operate a  
4 motorcycle or moped, the fee for the driver's license [~~or~~  
5 ~~permit~~] is increased by \$8.

6 SECTION \_\_\_\_\_. Section 522.030(a), Transportation Code, is  
7 amended to read as follows:

8 (a) A commercial driver's license or commercial learner's  
9 permit must:

10 (1) be marked:

11 (A) "Commercial Driver License" or "CDL" for a  
12 commercial driver's license; or

13 (B) "Commercial Learner's Permit" or "CLP" for a  
14 commercial learner's permit;

15 (2) be, to the extent practicable, tamper-proof; and

16 (3) include:

17 (A) the name and domicile [~~mailing~~] address of  
18 the person to whom it is issued;

19 (B) the person's [~~color~~] photograph;

20 (C) a physical description of the person,  
21 including sex, height, and eye color;

22 (D) the person's date of birth;

23 (E) a number or identifier the department  
24 considers appropriate;

25 (F) the person's signature;

26 (G) each class of commercial motor vehicle that  
27 the person is authorized to drive, with any endorsements or  
28 restrictions;

29 (H) the name of this state; and

30 (I) the dates between which the license is  
31 valid.

1 SECTION \_\_\_\_\_. Sections 522.032(a) and (b), Transportation  
2 Code, are amended to read as follows:

3 (a) The holder of a commercial driver's license or  
4 commercial [~~driver~~] learner's permit who changes the holder's  
5 name or mailing address must apply for a duplicate license or  
6 permit not later than the 30th day after the date of the change  
7 in the manner provided by Section 521.054.

8 (b) The holder of a commercial driver's license or  
9 commercial [~~driver~~] learner's permit who changes the holder's  
10 residence address shall notify the department not later than the  
11 30th day after the date of the change.

12 SECTION \_\_\_\_\_. Section 522.033, Transportation Code, is  
13 amended to read as follows:

14 Sec. 522.033. COMMERCIAL DRIVER'S LICENSE ISSUED TO  
15 CERTAIN SEX OFFENDERS. (a) The department may issue an  
16 original or renewal commercial driver's license or commercial  
17 [~~driver~~] learner's permit to a person whose driver's license or  
18 personal identification certificate record indicates that the  
19 person is subject to the registration requirements of Chapter  
20 62, Code of Criminal Procedure, only if the person is otherwise  
21 eligible for the commercial driver's license or commercial  
22 [~~driver~~] learner's permit and:

23 (1) applies in person for the issuance of a license  
24 or permit under this section; and

25 (2) pays a fee of:

26 (A) \$20 for a commercial driver's license; or

27 (B) \$24 for a commercial learner's permit.

28 (b) Notwithstanding Sections 522.013 and [~~Section~~]  
29 522.051, a commercial driver's license [~~or commercial driver~~  
30 ~~learner's permit~~] issued under this section, including a  
31 renewal, duplicate, or corrected license, expires[+]

1           ~~[(1) if the license or permit holder is a citizen,~~  
2 ~~national, or legal permanent resident of the United States or a~~  
3 ~~refugee or asylee lawfully admitted into the United States,]~~ on  
4 the first birthday of the license holder occurring after the  
5 date of application, except that the initial license issued  
6 under this section expires on the second birthday of the license  
7 holder occurring after the date of application[~~;~~ ~~or~~

8           ~~[(2) if the applicant is not described by Subdivision~~  
9 ~~(1), on the earlier of:~~

10           ~~[(A) the expiration date of the applicant's~~  
11 ~~authorized stay in the United States; or~~

12           ~~[(B) the first birthday of the license holder~~  
13 ~~occurring after the date of application, except that the initial~~  
14 ~~license issued under this section expires on the second birthday~~  
15 ~~of the license holder occurring after the date of application].~~

16       SECTION \_\_\_\_\_. Sections 522.034(a) and (b), Transportation  
17 Code, are amended to read as follows:

18       (a) An applicant for an original commercial driver's  
19 license [~~or commercial driver learner's permit~~] that includes an  
20 authorization to operate a motorcycle must furnish to the  
21 department evidence satisfactory to the department that the  
22 applicant has successfully completed a basic motorcycle operator  
23 training course approved by the department under Chapter 662.

24       (b) The department may not issue an original commercial  
25 driver's license [~~or commercial driver learner's permit~~] that  
26 includes an authorization to operate a motorcycle to an  
27 applicant who fails to comply with Subsection (a).

28       SECTION \_\_\_\_\_. Sections 522.041(a) and (e), Transportation  
29 Code, are amended to read as follows:

30       (a) The department may issue a Class A, Class B, or Class  
31 C commercial driver's license or commercial learner's permit.

1 (e) The holder of a commercial driver's license or  
2 commercial learner's permit may drive any vehicle in the class  
3 for which the license or permit is issued and lesser classes of  
4 vehicles except a motorcycle or moped. The holder may drive a  
5 motorcycle only if authorization to drive a motorcycle is shown  
6 on the commercial driver's license and the requirements for  
7 issuance of a motorcycle license have been met.

8 SECTION \_\_\_\_\_. Section 522.042, Transportation Code, is  
9 amended by amending Subsections (b) and (c) and adding  
10 Subsections (d), (e), and (f) to read as follows:

11 (b) The department may issue a commercial learner's permit  
12 with endorsements authorizing the driving of a passenger  
13 vehicle, a school bus, or a tank vehicle.

14 (c) An endorsement under Subsection (b) for a passenger  
15 vehicle or a school bus allows a permit holder to operate a  
16 vehicle with only the following passengers:

17 (1) federal or state auditors and inspectors, test  
18 examiners, or other permit holders; and

19 (2) the commercial driver's license holder required  
20 under Section 522.011(a)(2)(B).

21 (d) An endorsement under Subsection (b) for a tank vehicle  
22 allows a permit holder to operate only an empty tank vehicle  
23 that has been purged of any hazardous materials.

24 (e) The holder of a commercial driver's license or  
25 commercial learner's permit may not drive a vehicle that  
26 requires an endorsement unless the proper endorsement appears on  
27 the license or permit.

28 (f) [~~e~~] A person commits an offense if the person  
29 violates Subsection (c), (d), or (e) [~~b~~]. An offense under  
30 this section is a Class C misdemeanor.

31 SECTION \_\_\_\_\_. Section 522.051, Transportation Code, is

1 amended by amending Subsections (a), (b), (c), (d), and (f) and  
2 adding Subsection (h) to read as follows:

3 (a) Except as provided by Subsection (f) and Sections  
4 522.013(e), 522.033, and 522.054, an original commercial  
5 driver's license [~~or commercial driver learner's permit~~] expires  
6 five years after the applicant's next birthday.

7 (b) Except as provided by Section 522.054, a commercial  
8 driver's license [~~or commercial driver learner's permit~~] issued  
9 to a person holding a Texas Class A, B, C, or M license that  
10 would expire one year or more after the date of issuance of the  
11 commercial driver's license [~~or commercial driver learner's  
12 permit~~] expires five years after the applicant's next birthday.

13 (c) Except as provided by Section 522.054, a commercial  
14 driver's license [~~or commercial driver learner's permit~~] issued  
15 to a person holding a Texas Class A, B, C, or M license that  
16 would expire less than one year after the date of issuance of  
17 the commercial driver's license [~~or commercial driver learner's  
18 permit~~] or that has been expired for less than one year expires  
19 five years after the expiration date shown on the Class A, B, C,  
20 or M license.

21 (d) Except as provided by Section 522.054, a commercial  
22 driver's license [~~or commercial driver learner's permit~~] issued  
23 to a person holding a Texas Class A, B, C, or M license that has  
24 been expired for at least one year but not more than two years  
25 expires five years after the applicant's last birthday.

26 (f) Except as provided by Section 522.013, a non-domiciled  
27 [~~nonresident~~] commercial driver's license other than a temporary  
28 non-domiciled [~~nonresident~~] commercial driver's license under  
29 Section 522.013(e) expires on [~~the earlier of~~]:

30 (1) the earlier of:

31 (A) the first birthday of the license holder

1 occurring after the fifth anniversary of the date of the  
2 application; or

3 (B) the expiration date of the license holder's  
4 lawful presence in the United States as determined by the  
5 appropriate United States agency in compliance with federal law  
6 [the expiration date of the visa presented under Section  
7 522.021(a-1)(2)(B)]; or

8 (2) the first anniversary of the date of issuance, if  
9 there is no definitive expiration date for the applicant's  
10 authorized stay in the United States [expiration date of the  
11 Form I-94 Arrival/Departure record, or a successor document,  
12 presented under Section 522.021(a-1)(2)(C)].

13 (h) A commercial learner's permit expires on the earlier  
14 of:

15 (1) the expiration date of the driver's license or  
16 commercial driver's license; or

17 (2) the 181st day after the date of issuance.

18 SECTION \_\_\_\_\_. Section 522.052(e), Transportation Code, is  
19 amended to read as follows:

20 (e) A commercial [~~driver~~] learner's permit may [~~not~~] be  
21 renewed once for an additional 180 days without requiring the  
22 applicant to retake the general and endorsement knowledge tests.

23 SECTION \_\_\_\_\_. Section 522.054(a), Transportation Code, is  
24 amended to read as follows:

25 (a) Each original commercial driver's license [~~and~~  
26 ~~commercial driver learner's permit~~] of a person 85 years of age  
27 or older expires on the license holder's second birthday after  
28 the date of the license application.

29 SECTION \_\_\_\_\_. Section 522.0541, Transportation Code, is  
30 amended to read as follows:

31 Sec. 522.0541. DENIAL OF RENEWAL OF COMMERCIAL DRIVER

1 LICENSE OR LEARNER PERMIT. (a) In the manner ordered by a  
2 court in another state in connection with a matter involving the  
3 violation of a state law or local ordinance relating to motor  
4 vehicle traffic control and on receipt of the necessary  
5 information from the other state, the department may deny  
6 renewal of the commercial driver's license or commercial  
7 learner's permit issued to a person by the department for the  
8 person's:

9 (1) failure to appear in connection with a complaint  
10 or citation; ~~[or]~~

11 (2) failure to pay or satisfy a judgment ordering the  
12 payment of a fine and costs; or

13 (3) failure to answer a citation or to pay fines,  
14 penalties, or costs related to the original violation.

15 (b) The information necessary under Subsection (a) may be  
16 transmitted through the commercial driver's license information  
17 system and must include:

18 (1) the name, date of birth, and the commercial  
19 driver's license number of the license held by the person;

20 (2) notice that the person failed to appear as  
21 required by law or failed to satisfy a judgment that ordered the  
22 payment of a fine and costs in the manner ordered by the court;

23 (3) the nature of the violation; and

24 (4) any other information required by the department.

25 (c) The department shall apply any notification received  
26 under Subsection (a) as a conviction to the person's driving  
27 record.

28 SECTION \_\_\_\_\_. Section 522.055, Transportation Code, is  
29 amended to read as follows:

30 Sec. 522.055. CLEARANCE NOTICE TO DEPARTMENT. On receipt  
31 of notice from the other state that the grounds for denial of

1 the renewal of the commercial driver's license or commercial  
2 learner's permit based on the [~~license~~] holder's previous  
3 failure to appear or failure to pay a fine and costs previously  
4 reported by that state under Section 522.0541 have ceased to  
5 exist, the department shall renew the person's commercial  
6 driver's license or commercial learner's permit.

7 SECTION \_\_\_\_\_. Sections 522.061(a), (b), and (c),  
8 Transportation Code, are amended to read as follows:

9 (a) A person who holds or is required to hold a commercial  
10 driver's license or a commercial learner's permit under this  
11 chapter and who is convicted in another state of violating a  
12 state law or local ordinance relating to motor vehicle traffic  
13 control shall notify the department in the manner specified by  
14 the department not later than the seventh day after the date of  
15 conviction.

16 (b) A person who holds or is required to hold a commercial  
17 driver's license or commercial learner's permit under this  
18 chapter and who is convicted in this state or another state of  
19 violating a state law or local ordinance relating to motor  
20 vehicle traffic control, including a law regulating the  
21 operation of vehicles on highways, shall notify the person's  
22 employer in writing of the conviction not later than the seventh  
23 day after the date of conviction.

24 (c) A notification to the department or an employer must  
25 be in writing and must contain:

- 26 (1) the driver's full name;
- 27 (2) the driver's license or permit number;
- 28 (3) the date of conviction;
- 29 (4) the nature of the violation;
- 30 (5) a notation of whether the violation was committed  
31 in a commercial motor vehicle;

- 1 (6) the location where the offense was committed; and
- 2 (7) the driver's signature.

3 SECTION \_\_\_\_\_. Section 522.062(a), Transportation Code, is  
4 amended to read as follows:

5 (a) If a person holds a driver's license, commercial  
6 driver's license, or commercial learner's permit issued by  
7 another state and is finally convicted of a violation of a state  
8 traffic law or local traffic ordinance that was committed in a  
9 commercial motor vehicle, the department shall notify the  
10 driver's licensing authority in the issuing state of that  
11 conviction, in the time and manner required by 49 U.S.C. Section  
12 31311.

13 SECTION \_\_\_\_\_. Section 522.071(a), Transportation Code, as  
14 amended by Chapters 424 (S.B. 1372) and 499 (S.B. 333), Acts of  
15 the 80th Legislature, Regular Session, 2007, is reenacted and  
16 amended to read as follows:

17 (a) A person commits an offense if the person drives a  
18 commercial motor vehicle on a highway:

19 (1) after the person has been denied the issuance of  
20 a license or permit, unless the person has a driver's license  
21 appropriate for the class of vehicle being driven that was  
22 subsequently issued;

23 (2) during a period that a disqualification of the  
24 person's driver's license, permit, or privilege is in effect;

25 (3) while the person's driver's license or permit is  
26 expired, if the license or permit expired during a period of  
27 disqualification;

28 (4) during a period that the person was subject to an  
29 order prohibiting the person from obtaining a driver's license  
30 or permit; or

31 (5) during a period in which the person, the person's

1 employer, or the vehicle being operated is subject to an out-of-  
2 service order.

3 SECTION \_\_\_\_\_. Section 522.071(b), Transportation Code, is  
4 amended to read as follows:

5 (b) It is not a defense to prosecution that the person had  
6 not received notice of a disqualification imposed as a result of  
7 a conviction that results in an automatic disqualification of  
8 the person's driver's license, permit, or privilege.

9 SECTION \_\_\_\_\_. Sections 522.081(a), (b), (e), and (g),  
10 Transportation Code, are amended to read as follows:

11 (a) This subsection applies to a violation committed while  
12 operating any motor vehicle, including a commercial motor  
13 vehicle. A person who holds a commercial driver's license or  
14 commercial learner's permit is disqualified from driving a  
15 commercial motor vehicle for:

16 (1) 60 days if convicted of:

17 (A) two serious traffic violations that occur  
18 within a three-year period; or

19 (B) one violation of a law that regulates the  
20 operation of a motor vehicle at a railroad grade crossing; or

21 (2) 120 days if convicted of:

22 (A) three serious traffic violations arising  
23 from separate incidents occurring within a three-year period; or

24 (B) two violations of a law that regulates the  
25 operation of a motor vehicle at a railroad grade crossing that  
26 occur within a three-year period.

27 (b) Except as provided by this subsection, this [~~This~~]  
28 subsection applies to a violation committed while operating any  
29 type of motor vehicle, including a commercial motor vehicle [~~or~~  
30 ~~except as provided by this subsection~~]. A person who holds a  
31 commercial driver's license or commercial learner's permit is

1 disqualified from driving a commercial motor vehicle for one  
2 year:

3 (1) if convicted of three violations of a law that  
4 regulates the operation of a motor vehicle at a railroad grade  
5 crossing that occur within a three-year period;

6 (2) on first conviction of:

7 (A) driving a motor vehicle under the influence  
8 of alcohol or a controlled substance, including a violation of  
9 Section 49.04, 49.045, or 49.07, Penal Code;

10 (B) leaving the scene of an accident involving a  
11 motor vehicle driven by the person;

12 (C) using a motor vehicle in the commission of a  
13 felony, other than a felony described by Subsection (d)(2);

14 (D) causing the death of another person through  
15 the negligent or criminal operation of a motor vehicle; or

16 (E) driving a commercial motor vehicle while the  
17 person's commercial driver's license or commercial learner's  
18 permit is revoked, suspended, or canceled, or while the person  
19 is disqualified from driving a commercial motor vehicle, for an  
20 action or conduct that occurred while operating a commercial  
21 motor vehicle;

22 (3) for refusing to submit to a test under Chapter  
23 724 to determine the person's alcohol concentration or the  
24 presence in the person's body of a controlled substance or drug  
25 while operating a motor vehicle in a public place; or

26 (4) if an analysis of the person's blood, breath, or  
27 urine under Chapter 522, 524, or 724 determines that the person:

28 (A) had an alcohol concentration of 0.04 or  
29 more, or that a controlled substance or drug was present in the  
30 person's body, while operating a commercial motor vehicle in a  
31 public place; or

1 (B) had an alcohol concentration of 0.08 or more  
2 while operating a motor vehicle, other than a commercial motor  
3 vehicle, in a public place.

4 (e) A person may not be issued a commercial driver's  
5 license or a commercial learner's permit and is disqualified  
6 from operating a commercial motor vehicle if, in connection with  
7 the person's operation of a commercial motor vehicle, the person  
8 commits an offense or engages in conduct that would disqualify  
9 the holder of a commercial driver's license from operating a  
10 commercial motor vehicle, or is determined to have had an  
11 alcohol concentration of 0.04 or more or to have had a  
12 controlled substance or drug present in the person's body. The  
13 period of prohibition under this subsection is equal to the  
14 appropriate period of disqualification required by Subsections  
15 (a)-(d).

16 (g) A person who holds a commercial driver's license or  
17 commercial learner's permit is disqualified from operating a  
18 commercial motor vehicle if the person's driving is determined  
19 to constitute an imminent hazard under 49 C.F.R. Section  
20 383.52. The disqualification is for the disqualification period  
21 imposed under that section and shall be noted on the person's  
22 driving record.

23 SECTION \_\_\_\_\_. Section 522.084, Transportation Code, is  
24 amended to read as follows:

25 Sec. 522.084. NOTIFICATION TO OTHER JURISDICTION. After  
26 disqualifying a person who has a domicile in another state or in  
27 a foreign jurisdiction, the department shall give notice of that  
28 fact to the licensing authority of the state that issued the  
29 person's driver's license, commercial driver's license, or  
30 commercial [~~driver~~] learner's permit.

31 SECTION \_\_\_\_\_. Section 522.087, Transportation Code, is

1 amended by adding Subsection (d) to read as follows:

2 (d) A disqualification imposed under Section  
3 522.081(a)(1)(B) or 522.081(b)(2) or (d)(2) takes effect on the  
4 10th day after the date the department issues the order of  
5 disqualification.

6 SECTION \_\_\_\_\_. Section 522.089, Transportation Code, is  
7 amended to read as follows:

8 Sec. 522.089. EFFECT OF SUSPENSION, REVOCATION,  
9 CANCELLATION, OR DENIAL OF LICENSE OR PERMIT UNDER OTHER LAW.

10 (a) A suspension, revocation, cancellation, or denial of a  
11 driver's license, permit, or privilege under Chapter 521 or  
12 another law of this state disqualifies the person under this  
13 chapter.

14 (b) If the department disqualifies a person under this  
15 chapter [~~disqualifies a person~~] for a longer period than the  
16 other law, the person is disqualified for the longer period.

17 SECTION \_\_\_\_\_. Effective January 30, 2016, Subchapter H,  
18 Chapter 522, Transportation Code, is amended by adding Section  
19 522.093 to read as follows:

20 Sec. 522.093. SELF-CERTIFICATION OF MEDICAL STATUS. The  
21 department shall remove the commercial driver's license  
22 privilege from the holder of a commercial driver's license or a  
23 commercial learner's permit if the holder:

24 (1) fails to provide the department a self-  
25 certification of operating status; or

26 (2) fails to provide and maintain with the department  
27 a current medical examiner's certificate that is required based  
28 on the self-certification.

29 SECTION \_\_\_\_\_. Section 522.105(a), Transportation Code, is  
30 amended to read as follows:

31 (a) On receipt of a report under Section 522.104, the

1 department shall disqualify the person from driving a commercial  
2 motor vehicle under Section 522.081 beginning on the 45th day  
3 after the date the report is received unless a hearing is  
4 granted.

5 SECTION \_\_\_\_\_. Section 524.001(10), Transportation Code, is  
6 amended to read as follows:

7 (10) "Driver's license" has the meaning assigned by  
8 Section 521.001. The term includes a commercial driver's  
9 license or a commercial [~~driver~~] learner's permit issued under  
10 Chapter 522.

11 SECTION \_\_\_\_\_. Section 543.007, Transportation Code, is  
12 amended to read as follows:

13 Sec. 543.007. NOTICE TO APPEAR: COMMERCIAL VEHICLE OR  
14 LICENSE. A notice to appear issued to the operator of a  
15 commercial motor vehicle or holder of a commercial driver's  
16 license or commercial [~~driver~~] learner's permit, for the  
17 violation of a law regulating the operation of vehicles on  
18 highways, must contain the information required by department  
19 rule, to comply with Chapter 522 and the federal Commercial  
20 Motor Vehicle Safety Act of 1986 (Title 49, U.S.C. Section 2701  
21 et seq.).

22 SECTION \_\_\_\_\_. Section 543.202(b), Transportation Code, is  
23 amended to read as follows:

24 (b) The record must be made on a form or by a data  
25 processing method acceptable to the department and must include:

26 (1) the name, address, physical description,  
27 including race or ethnicity, date of birth, and driver's license  
28 number of the person charged;

29 (2) the registration number of the vehicle involved;

30 (3) whether the vehicle was a commercial motor  
31 vehicle as defined by Chapter 522 or was involved in

1 transporting hazardous materials;

2 (4) the person's social security number, if the  
3 person was operating a commercial motor vehicle or was the  
4 holder of a commercial driver's license or commercial [~~driver~~]  
5 learner's permit;

6 (5) the date and nature of the offense, including  
7 whether the offense was a serious traffic violation as defined  
8 by Chapter 522;

9 (6) whether a search of the vehicle was conducted and  
10 whether consent for the search was obtained;

11 (7) the plea, the judgment, whether the individual  
12 was adjudicated under Article 45.0511, Code of Criminal  
13 Procedure, and whether bail was forfeited;

14 (8) the date of conviction; and

15 (9) the amount of the fine or forfeiture.

16 SECTION \_\_\_\_\_. Section 548.256, Transportation Code, is  
17 amended to read as follows:

18 Sec. 548.256. PROOF OF COMPLIANCE WITH INSPECTION  
19 REQUIREMENTS REQUIRED TO REGISTER VEHICLE. (a) Except as  
20 provided by Subsection (b) or (c), before [~~Before~~] a vehicle may  
21 be registered, the Texas Department of Motor Vehicles or the  
22 county assessor-collector registering the vehicle shall verify  
23 that the vehicle complies with [~~has passed~~] the applicable  
24 inspection requirements under this chapter and Chapter 382,  
25 Health and Safety Code [~~inspections required by this chapter~~],  
26 as indicated in the department's inspection database. If the  
27 database information is not available, the owner of the vehicle  
28 may present a vehicle inspection report issued for the vehicle.

29 (b) The Texas Department of Motor Vehicles or a county  
30 assessor-collector may register a vehicle that is not in  
31 compliance with the applicable inspection requirements under

1 this chapter or Chapter 382, Health and Safety Code, if the  
2 vehicle is located in another state at the time the applicant  
3 applies for registration or registration renewal under Chapter  
4 502 and the applicant certifies that the vehicle is located in  
5 another state and the applicant will comply with the applicable  
6 inspection requirements under this chapter, Chapter 382, Health  
7 and Safety Code, and the department's administrative rules  
8 regarding inspection requirements once the vehicle is operated  
9 in this state. The Texas Department of Motor Vehicles or the  
10 county assessor-collector shall add a notation to the Texas  
11 Department of Motor Vehicles' registration database for law  
12 enforcement to verify the inspection status of the vehicle.

13 (c) Subsection (a) does not apply to:

14 (1) a vehicle that is being registered under the  
15 International Registration Plan as authorized by Section  
16 502.091; or

17 (2) a token trailer that is being registered under  
18 Section 502.255, including a token trailer that is being  
19 registered for an extended period under Section 502.0023.

20 SECTION \_\_\_\_\_. Subchapter I, Chapter 548, Transportation  
21 Code, is amended by adding Section 548.605 to read as follows:

22 Sec. 548.605. OPERATING A VEHICLE WITHOUT COMPLYING WITH  
23 INSPECTION REQUIREMENTS AS CERTIFIED; OFFENSE; DISMISSAL OF  
24 CHARGE. (a) In this section, "working day" means any day other  
25 than a Saturday, a Sunday, or a holiday on which county offices  
26 are closed.

27 (b) A person commits an offense if:

28 (1) the person operates in this state a vehicle for  
29 which a certification was provided under Section 548.256(b); and

30 (2) the vehicle is not in compliance with the  
31 applicable inspection requirements under this chapter, Chapter

1 382, Health and Safety Code, or the department's administrative  
2 rules regarding inspection requirements.

3 (c) A peace officer may require the owner or operator to  
4 produce a vehicle inspection report issued for the vehicle if  
5 the Texas Department of Motor Vehicles' registration database  
6 includes a notation for law enforcement to verify the inspection  
7 status of the vehicle.

8 (d) It is a defense to prosecution under Subsection (b)  
9 that a passing vehicle inspection report issued for the vehicle  
10 is in effect at the time of the offense.

11 (e) A court shall:

12 (1) dismiss a charge under this section if the  
13 defendant remedies the defect:

14 (A) not later than the 20th working day after  
15 the date of the citation or before the defendant's first court  
16 appearance date, whichever is later; and

17 (B) not later than the 40th working day after  
18 the applicable deadline provided by this chapter, Chapter 382,  
19 Health and Safety Code, or the department's administrative rules  
20 regarding inspection requirements; and

21 (2) assess an administrative fee not to exceed \$20  
22 when the charge has been remedied under Subdivision (1).

23 (f) An offense under this section is a Class C  
24 misdemeanor.

25 SECTION \_\_\_\_\_. Article 62.060(a), Code of Criminal  
26 Procedure, is amended to read as follows:

27 (a) A person subject to registration under this chapter  
28 shall apply to the department in person for the issuance of, as  
29 applicable, an original or renewal driver's license under  
30 Section 521.272, Transportation Code, an original or renewal  
31 personal identification certificate under Section 521.103,

1 Transportation Code, or an original or renewal commercial  
2 driver's license or commercial [~~driver~~] learner's permit under  
3 Section 522.033, Transportation Code, not later than the 30th  
4 day after the date:

5 (1) the person is released from a penal institution  
6 or is released by a court on community supervision or juvenile  
7 probation; or

8 (2) the department sends written notice to the person  
9 of the requirements of this article.

10 SECTION \_\_\_\_\_. Section 103.0213, Government Code, is  
11 amended to read as follows:

12 Sec. 103.0213. ADDITIONAL FEES AND COSTS IN CRIMINAL OR  
13 CIVIL CASES: TRANSPORTATION CODE. An accused or defendant, or a  
14 party to a civil suit, as applicable, shall pay the following  
15 fees and costs under the Transportation Code if ordered by the  
16 court or otherwise required:

17 (1) administrative fee on dismissal of charge of  
18 driving with an expired motor vehicle registration (Sec.  
19 502.407, Transportation Code) . . . not to exceed \$20;

20 (2) administrative fee on dismissal of charge of  
21 driving with an expired driver's license (Sec. 521.026,  
22 Transportation Code) . . . not to exceed \$20;

23 (3) administrative fee on remediation of charge of  
24 operating a vehicle without complying with inspection  
25 requirements as certified (Sec. 548.605, Transportation Code)  
26 . . . not to exceed \$20;

27 (4) administrative fee for failure to appear for a  
28 complaint or citation on certain offenses (Sec. 706.006,  
29 Transportation Code) . . . \$30 for each violation; and

30 (5) [~~4~~] administrative fee for failure to pay or  
31 satisfy certain judgments (Sec. 706.006, Transportation Code)

1 . . . \$30.

2 SECTION \_\_\_\_\_. Section 522.029(f), Transportation Code, as  
3 added by Chapter 1156 (S.B. 99), Acts of the 75th Legislature,  
4 Regular Session, 1997, is repealed.

5 SECTION \_\_\_\_\_. (a) The changes in law made by this Act to  
6 Sections 522.011, 522.042, and 522.071, Transportation Code,  
7 apply only to an offense that is committed on or after the  
8 effective date of this Act. An offense committed before the  
9 effective date of this Act is governed by the law in effect on  
10 the date the offense was committed, and the former law is  
11 continued in effect for that purpose. For purposes of this  
12 subsection, an offense was committed before the effective date  
13 of this Act if any element of the offense occurred before that  
14 date.

15 (b) The change in law made by this Act to Section 522.021,  
16 Transportation Code, applies only to an application for a  
17 license that is filed on or after the effective date of this  
18 Act.

19 (c) The changes in law made by this Act to Sections  
20 522.029, 522.033, and 522.051, Transportation Code, apply only  
21 to a license or permit that is issued or renewed on or after the  
22 effective date of this Act.

23 SECTION \_\_\_\_\_. Except as otherwise provided by this Act,  
24 this Act takes effect January 1, 2016.

25 (6) Renumber the SECTIONS of the bill accordingly.

FLOOR AMENDMENT NO. 2

ADOPTED BY: 

MAY 25 2015

*Latey* *Committee*  
Secretary of the Senate

1 Amend C.S.H.B. 1888 (senate committee printing) by  
2 inserting the following appropriately numbered SECTIONS and  
3 renumbering subsequent sections appropriately:

4 SECTION \_\_\_\_ . Section 521.059(a), Transportation Code, is  
5 amended to read as follows:

6 (a) The department shall establish an image verification  
7 system based on the following identifiers collected by the  
8 department under Section 521.142(b):

- 9 (1) an applicant's facial image; and
- 10 (2) an applicant's thumbprints or, if thumbprints  
11 cannot be taken, the index fingerprints of the applicant.

12 SECTION \_\_\_\_ . Not later than December 31, 2015, the Texas  
13 Department of Public Safety shall delete or redact from its  
14 records any fingerprint collected from an applicant for a  
15 driver's license or personal identification certificate in a  
16 manner that does not comply with Section 521.142(b)(1),  
17 Transportation Code.

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 27, 2015**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1888** by Capriglione (Relating to punishment for the offense of driving a commercial motor vehicle without a commercial driver's license; increasing a penalty.), **As Passed 2nd House**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB1888, As Passed 2nd House: an impact of \$0 through the biennium ending August 31, 2017.

**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2016	\$0
2017	\$0
2018	\$0
2019	\$0
2020	\$0

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Revenue Gain from Texas Mobility Fund 365</b>
2016	\$336,000
2017	\$336,000
2018	\$336,000
2019	\$336,000
2020	\$336,000

**Fiscal Analysis**

The bill would amend the Transportation Code to:

- 1) Change the punishment for operating a commercial motor vehicle without a commercial driver's license from a Class C misdemeanor to a misdemeanor punishable by a fine not to exceed \$500, or a misdemeanor punishable by a fine not to exceed \$1,000 in the event that the offender had been convicted of the same offense within the previous year.

2) Require both thumbprints and fingerprints as part of an individual's application for a personal identification certificate, driver's license, or commercial driver's license or permit. It is assumed any costs associated with implementing the bill could be absorbed within current resources.

3) Authorize a court to assess an administrative fee of \$10 if a case involving a failure to carry a license was dismissed.

4) Set the fee amount for the issuance or renewal of a commercial learner's permit at \$24 and the fee amount for the administration of a skills test to a person who is not domiciled in this state at \$60.

5) Set the fee amount at \$24 for a commercial learner's permit issued to certain sex offenders.

6) Repeal a fee for renewing a license with a motorcycle authorization.

### **Methodology**

The bill would create a fee of \$24 for a commercial learner's permit. The Department of Public Safety has estimated that an average of 14,000 original commercial driver licenses are issued each year. Assuming this number of individuals seeking an original commercial driver license each year, an additional \$336,000 in revenue would be generated as a result of the collection of the commercial learner's permit fee from these 14,000 individuals ( $\$24 \times 14,000 = \$336,000$ ).

The bill would also create several penalties. The Comptroller has indicated that the number of violations that would be subject to penalties under the provisions of the bill are unknown. As such, the Comptroller has indicated the fiscal impact of these penalties cannot be determined.

The Office of Court Administration states there may be an increase in administrative fees collected in cases involving a failure to carry a license that are dismissed, but is unable to determine the amount.

### **Local Government Impact**

Costs associated with enforcement and prosecution could likely be absorbed within existing resources. Revenue from fines imposed and collected is not anticipated to have a significant fiscal impact.

The Office of Court Administration (OCA) has indicated the bill would result in no significant fiscal impact to local courts. OCA noted there may be an increase in administrative fees collected in cases involving a failure to carry a license that are dismissed, but OCA is unable to determine the amount.

**Source Agencies:** 405 Department of Public Safety

**LBB Staff:** UP, AG, AI, JAW, ESi, SD, KVe

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 21, 2015**

**TO:** Honorable Robert Nichols, Chair, Senate Committee on Transportation

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1888** by Capriglione (Relating to punishment for the offense of driving a commercial motor vehicle without a commercial driver 's license; increasing a penalty.), **Committee Report 2nd House, Substituted**

**No fiscal implication to the State is anticipated.**

The bill would amend Transportation Code to change the punishment for operating a commercial motor vehicle without a commercial driver's license from a Class C misdemeanor to a misdemeanor punishable by a fine not to exceed \$500, or a misdemeanor punishable by a fine not to exceed \$1,000 in the event that the offender had been convicted of the same offense within the previous year.

**Local Government Impact**

Costs associated with enforcement and prosecution could likely be absorbed within existing resources. Revenue from fines imposed and collected is not anticipated to have a significant fiscal impact.

**Source Agencies:**

**LBB Staff:** UP, AG, ESi, SD, KVe

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 5, 2015**

**TO:** Honorable Robert Nichols, Chair, Senate Committee on Transportation

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1888** by Capriglione (Relating to punishment for the offense of driving a commercial motor vehicle without a commercial driver's license; increasing a penalty.), **As Engrossed**

**No fiscal implication to the State is anticipated.**

The bill would amend Transportation Code to elevate the punishment for operating a commercial motor vehicle without a commercial driver's license from a Class C misdemeanor to a misdemeanor punishable by a fine not to exceed \$1,000, or a Class B misdemeanor in the event that the offender had been convicted of the same offense within the previous year.

A Class C misdemeanor is punishable by a fine of not more than \$500. In addition to the fine, punishment can include up to 180 days of deferred disposition. A Class B misdemeanor is punishable by a fine of not more than \$2,000, confinement in jail for a term not to exceed 180 days, or both.

**Local Government Impact**

Costs associated with enforcement and prosecution could likely be absorbed within existing resources. Revenue from fines imposed and collected is not anticipated to have a significant fiscal impact.

**Source Agencies:**

**LBB Staff:** UP, AG, ESi, SD, KVe

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**March 30, 2015**

**TO:** Honorable Larry Phillips, Chair, House Committee on Homeland Security & Public Safety

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1888** by Capriglione (Relating to punishment for the offense of driving a commercial motor vehicle without a commercial driver's license; increasing a penalty.), **As Introduced**

<p><b>No fiscal implication to the State is anticipated.</b></p>
------------------------------------------------------------------

The bill would amend Transportation Code to elevate the punishment for operating a commercial motor vehicle without a commercial driver's license from a Class C misdemeanor to a misdemeanor punishable by a fine not to exceed \$1,000, or a Class B misdemeanor in the event that the offender had been convicted of the same offense within the previous year.

A Class C misdemeanor is punishable by a fine of not more than \$500. In addition to the fine, punishment can include up to 180 days of deferred disposition. A Class B misdemeanor is punishable by a fine of not more than \$2,000, confinement in jail for a term not to exceed 180 days, or both.

**Local Government Impact**

Costs associated with enforcement and prosecution could likely be absorbed within existing resources. Revenue from fines imposed and collected is not anticipated to have a significant fiscal impact.

**Source Agencies:**

**LBB Staff:** UP, ESi, SD, KVe